

**ENTERED**

January 25, 2024

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

TOMMY MARION,

Plaintiff,

VS.

UNITED STATES LIFE INSURANCE  
COMPANY IN THE STATE OF NEW  
YORK, *et al.*,

Defendants.

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CIVIL ACTION NO. 4:23-CV-00149

**ORDER**


Before the Court is United States Magistrate Judge Yvonne Y. Ho's Memorandum and Recommendation filed on January 2, 2024. Doc. #35. The deadline for filing objections has passed, and no objections have been filed. Pursuant to Federal Rule of Civil Procedure 72(b), the Court has reviewed the Memorandum and Recommendation for clear error. Finding no clear error, the Court adopts the Memorandum and Recommendation in its entirety.

Accordingly, Defendant Nicky Thompson's Motion to Dismiss Plaintiff Tommy Marion's Claims (Doc. #28) is GRANTED as to Plaintiff's fraud claim and DENIED as to Plaintiff's unjust enrichment and declaratory relief claims. Further, Defendant Nicky Thompson's Motion to Dismiss the Crossclaims of Defendant United States Life Insurance Company in the State of New York (Doc. #33) is DENIED.

It is so ORDERED.

**JAN 25 2024**

Date

  
The Honorable Alfred H. Bennett  
United States District Judge